

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA
ROBERT N.C. NIX BUILDING
900 MARKET STREET
SUITE 400
PHILADELPHIA 19107-4299Timothy B. McGrath
ClerkTelephone
(215) 408-2800

January 27, 2017

Re: Evelyn Rivera
Bankruptcy No.: 16-16269AMC
Civil Action No.

Dear Mary C. Barkman, Clerk of Court:

We herewith transmit the following document(s) filed in the above matter(s), together with a certified copy of the docket entries:

- Certificate of appeal from order entered by the Honorable .
Notice of appeal filing fee paid not paid
- Designation of Record on Appeal Filed
- Designation of Record on Appeal Not Filed
- Supplemental certificate of appeal.
- Motion for leave to appeal filed .
 Answer to motion filed .
- Proposed findings of fact and conclusions of law entered by the Honorable .
 Objections filed .
- Report and recommendation entered by the Honorable .
 Objections filed .
- Original record transferred to the District Court pursuant to the order of the Honorable .
- Other: Petition to Proceed In Forma Pauperis and Motion/Petition to Consolidate for Appeal

Kindly acknowledge receipt on the copy of the letter provided.

For the Court

Timothy B. McGrath
Clerk

Stacey

By: _____
Deputy Clerk

Received Above material or record file this _____ day of _____, 20____.

Civil Action No. _____ Signature: _____

Miscellaneous No. _____ Date: _____

Assigned to Judge _____

BFL5.frm(rev 2/15)

In The United States Bankruptcy Court
for the Eastern District of Pennsylvania

In Re: Evelyn Rivera; Bankruptcy No. # 16-16269-2016

John J. Lynch

Evelyn Rivera

X

adversary complaint No. 16-00301-AN

2016

Appealed

Petition to Proceed In Forma Pauperis

To: the judges of the United States Bankruptcy Court:

1. I John J. Lynch am the creditor/Plaintiff in the above "matter's" and because of my financial condition I am unable to pay the fees, and cost of prosecuting the appeals in the action/proceedings stated,
2. I am unable to obtain funds from anyone, including my family, and associates, to pay the cost of litigation
3. I represent that the information below relating to my ability to pay fees/cost are true and correct

a. name - John J. Lynch

3281 Red Lion Rd apt 1
Phila PA, 19114

| |
|--------------------------------------|
| FILED |
| JAN 25 2017 |
| TIMOTHY McGRATH, CLERK DEP. CLERK |

b. Employment - none

c. Other income within the past 12 months

Business or Profession - none

Self employment - none

Interest - none

Dividends - none

Pension - 1075.00 VA,

Social Security - none

Support payments - none

Possibility payments - none - or see pensions.

Unemployment Comp - none

Workers Comp - none

Public Assist. - 26.00 Food stamps + (H, U, D, V, A, S, H)

other - none

d. Other contributions to household.

None

e. Property owned

Cash - none

Checking - (-4,35) citizens

Savings - none

Cert of deposit - none

Real Estate - none

Motor Vehicle - 99 clay Broke down

stocks and bonds - none
other - none

F. Debts and obligations

Phone 40.00 mo, Elect. 75.00 mo, GAS 75.00 mo

Rent - 195.00

LOANS - 1,500.00 Ships motors

- 500.00 mom

other - Medical Bills 15,000.00

ARIA health system

g. Persons dependent upon you for support

none - help mom out with money

when I can. she 84 yrs

4. I understand that I have a continuing obligation to inform the Court of improvements in my financial circumstances which would permit me to pay the cost incurred herein.

5. I verify that the statements made herein this affidavit are true and correct, I understand that false statements herein are subject to the penalties in the U.S.C.

John J. Lynch

John Lynch
1-4-17

In the United States Bankruptcy Court
For the Eastern District of Pennsylvania

John J Lynch

| No. # 1600301 - 2016 AMC

Evelyn Rivera

In Re Evelyn Rivera | No. # 16269-2016 AMC

By adversary
motion/Petition to Consolidate for Appeal

To the chief Judge of the Court;

John J Lynch adversary, petitions and/or
otherwise moves to consolidate the above
captioned matters for appeal before
the United States District court for the
Eastern District of Pennsylvania.
and represents the following:

1. As it is illustrated by the exhibits attached
to the Petition to appeal Nine (9) times
the order of the court was delayed
in being delivered into the hands of the
appellant,

FILED

JAN 25 2017

TIMOTHY MCGRATH, CLERK
BY DFP CLERK

- 2 The issues as to non dischargeability ring in both matters.
3. the issues as to the insurance coverage being accessible to the appellant under 8a. R.C.P. 3159 A (c) ring in both matters
4. that by filing a Bankruptcy before this Court the Petitioners opened the door and placed the entire estate including the ~~the~~ issue of the insurance payout, as well as loss of lien priority for lack of that required coverage on the interest of Both the owner, and other interested parties in the estate.
5. that the adversary holds judgement for personal injury of a permanent nature to his left eye, caused by the debtors willful conduct in opening a locked door to dangerous, and violent persons, and did bring a violent episode into the adversary residence as discussed in Petitioners response to motion to dismiss, instead of waiting for the police to arrive.

6. that the Estate must produce the insurance information as a claim may be processed, and paid or suffer the loss in the amount owing by the judicial lien for the willful conduct that caused the injury as stated.
7. that it is economic and time saving in the consolidation of the matter for appeal,

Respectfully
Submitted
John J Lynch
1-18-17

Certificate of Service

I, John J Lynch certifies herein that I have served the attached L F P, and notice of appeal upon the persons listed below by 1st class mail on the 18th day of January 2017 (along with Motion to Consolidate)

John J Lynch

1. Jennifer Schultz Esq
1410 West Erie Ave
Phila PA 19104

④ Representing Bayview

KML Group LLC
701 Market St
Phila PA 19106

② Gary F Dwyer Esq
U.D trustee
601 Walnut St
suit# 280
Phila PA 19106

③ Evelyn Rivera
10814 Madena ter.
Phila PA, 19154

727OBJ, IFP, APPEAL

**U.S. Bankruptcy Court
Eastern District of Pennsylvania (Philadelphia)
Bankruptcy Petition #: 16-16269-amc**

Assigned to: Judge Ashely M. Chan
Chapter 7
Voluntary
No asset

Date filed: 09/07/2016
341 meeting: 10/11/2016
Deadline for filing claims (govt.): 03/06/2017
Deadline for objecting to discharge: 12/05/2016
Deadline for financial mgmt. course: 12/05/2016

Debtor

Evelyn Rivera
10814 Modena Ter
Philadelphia, PA 19154
PHILADELPHIA-PA
SSN / ITIN: xxx-xx-2232

represented by **JENNIFER SCHULTZ**
Community Legal Services
North Philadelphia Law
Center
1410 W. Erie Avenue
Philadelphia, PA 19140-4111
215 227-2400x2420
Fax : 215 227-2435
Email: jschultz@clsphila.org

Trustee

GARY F. SEITZ
Gellert Scali Busenkell & Brown LLC
The Curtis Center
601 Walnut Street
Suite 280 South
Philadelphia, PA 19106
215-238-0011

represented by **GARY F. SEITZ**
Gellert Scali Busenkell &
Brown LLC
The Curtis Center
601 Walnut Street
Suite 280 South
Philadelphia, PA 19106
215-238-0011
Fax : 215-238-0016
Email: gseitz@gsbblaw.com

U.S. Trustee

United States Trustee
Office of the U.S. Trustee
833 Chestnut Street
Suite 500
Philadelphia, PA 19107
(215) 597-4411

| Filing Date | # | Docket Text |
|-------------|---|-------------|
|-------------|---|-------------|

| | | |
|------------|-----|---|
| 09/07/2016 | • 1 | Chapter 7 Voluntary Petition for Individual . IFP waived Filed by Evelyn Rivera. Government Proof of Claim Deadline: 03/6/2017. Chapter 7 Statement of Your Current Monthly Income Form 122A-1 Due 09/21/2016 Schedule C due 09/21/2016. Schedule D due 09/21/2016. Schedule E/F due 09/21/2016. Schedule G due 09/21/2016. Schedule H due 09/21/2016. Statement of Financial Affairs due 09/21/2016. Summary of Assets and Liabilities Form B106 due 09/21/2016. Means Test Calculation Form 122A-2 Due: 9/21/2016.. Incomplete Filings due by 09/21/2016. (SCHULTZ, JENNIFER) Modified on 9/8/2016 (G., Jennifer). (Entered: 09/07/2016) |
| 09/07/2016 | • 2 | Matrix Filed. Number of pages filed: 9, Filed by JENNIFER SCHULTZ on behalf of Evelyn Rivera. (SCHULTZ, JENNIFER) (Entered: 09/07/2016) |
| 09/07/2016 | • 3 | Statement of Social Security Number Received. Filed by JENNIFER SCHULTZ on behalf of Evelyn Rivera. (SCHULTZ, JENNIFER) (Entered: 09/07/2016) |
| 09/07/2016 | • 4 | Application to Have the Chapter 7 Filing Fee Waived, to Proceed In Forma Pauperis Filed by Evelyn Rivera Represented by JENNIFER SCHULTZ (Counsel). (SCHULTZ, JENNIFER) (Entered: 09/07/2016) |
| 09/07/2016 | • 5 | Certificate of Credit Counseling Filed by JENNIFER SCHULTZ on behalf of Evelyn Rivera. (SCHULTZ, JENNIFER) (Entered: 09/07/2016) |
| 09/08/2016 | • 6 | Notice of Appointment of Trustee . GARY F. SEITZ added to the case.. (MILLER, NANCY) (Entered: 09/08/2016) |
| 09/08/2016 | • 7 | Order Entered the debtor having failed to file or submit with the petition all of the documents required by Fed. R. Bankr.P.1007, It is hereby ORDERED that this case MAY BE DISMISSED WITHOUT FURTHER NOTICE if the documents listed are not filed by deadlines listed: Chapter 7 Statement of Your Current Monthly Income Form 122A-1 Due 09/21/2016 Schedule C due 09/21/2016. Schedule D due 09/21/2016. Schedule E/F due 09/21/2016. Schedule G due 09/21/2016. Schedule H due 09/21/2016. Statement of Financial Affairs due 09/21/2016. Summary of Assets and Liabilities Form B106 due 09/21/2016. Means Test Calculation Form 122A-2 Due: |

| | | |
|------------|-----------|--|
| | | 9/21/2016. Any request for an extension of time must be filed prior to the expiration of the deadlines listed. (G., Jennifer) (Entered: 09/08/2016) |
| 09/10/2016 | <u>8</u> | BNC Certificate of Mailing - Voluntary Petition. Number of Notices Mailed: (related document(s) (Related Doc # <u>7</u>)). No. of Notices: 1. Notice Date 09/10/2016. (Admin.) (Entered: 09/11/2016) |
| 09/11/2016 | <u>9</u> | Notice of Appearance and Request for Notice Filed by Synchrony Bank. (SINGH, RAMESH) (Entered: 09/11/2016) |
| 09/12/2016 | <u>10</u> | Adversary case 16-00301. Complaint by John J. Lynch against Evelyn Rivera , BANK OF AMERICA , Bayshore Loan Servicing , KML Group, Inc. . Fee Amount \$0.00 . (Attachments: # <u>1</u> Adversary Coversheet # <u>2</u> Certificate of Service) (21 (Validity, priority or extent of lien or other interest in property)) ,(31 (Approval of sale of property of estate and of a co-owner - 363(h))) ,(41 (Objection / revocation of discharge - 727(c),(d),(e))) ,(68 (Dischargeability - 523(a)(6), willful and malicious injury)) ,(91 (Declaratory judgment)) (G., Jennifer) (Entered: 09/12/2016) |
| 09/12/2016 | <u>11</u> | Meeting of Creditors . 341(a) meeting to be held on 10/6/2016 at 10:00 AM at 833 Chestnut Street, Suite 501, Philadelphia, PA. Financial Management Course Certificate Due: 12/5/2016. Last day to oppose discharge or dischargeability is 12/5/2016. (P., Cathy) (Entered: 09/12/2016) |
| 09/13/2016 | <u>12</u> | Notice of Appearance and Request for Notice by CELINE P. DERKRIKORIAN Filed by CELINE P. DERKRIKORIAN on behalf of Bayview Loan Servicing, LLC, A Delaware Limited Liability Company. (Attachments: # <u>1</u> Certificate of Service) (DERKRIKORIAN, CELINE) (Entered: 09/13/2016) |
| 09/14/2016 | <u>13</u> | BNC Certificate of Mailing - Meeting of Creditors. Number of Notices Mailed: (related document(s) (Related Doc # <u>11</u>)). No. of Notices: 51. Notice Date 09/14/2016. (Admin.) (Entered: 09/15/2016) |
| 09/16/2016 | <u>14</u> | Continued Meeting of Creditors. 341(a) meeting to be held on 10/11/2016 at 10:00 AM at U.S. Bankruptcy Court Mediation Room Four, 900 Market Street, Room No. 236, Philadelphia. Financial Management Course Certificate Due: 12/5/2016. Last |

| | | |
|------------|-------------|--|
| | | day to oppose discharge or dischargeability is 12/5/2016. (H., Lisa) (Entered: 09/16/2016) |
| 09/18/2016 | ● <u>15</u> | BNC Certificate of Mailing - Meeting of Creditors. Number of Notices Mailed: (related document(s) (Related Doc # <u>14</u>)). No. of Notices: 52. Notice Date 09/18/2016. (Admin.) (Entered: 09/19/2016) |
| 09/20/2016 | ● <u>16</u> | Chapter 7 Statement of Your Current Monthly Income Form 122A-1 Filed by JENNIFER SCHULTZ on behalf of Evelyn Rivera. (SCHULTZ, JENNIFER) (Entered: 09/20/2016) |
| 09/20/2016 | ● <u>17</u> | Statement of Financial Affairs for Individual Filed by JENNIFER SCHULTZ on behalf of Evelyn Rivera. (SCHULTZ, JENNIFER) (Entered: 09/20/2016) |
| 09/20/2016 | ● <u>18</u> | Schedules A/B - J <i>Deficiencies only</i> C - H Filed by JENNIFER SCHULTZ on behalf of Evelyn Rivera. (SCHULTZ, JENNIFER) (Entered: 09/20/2016) |
| 09/20/2016 | ● <u>19</u> | Summary of Assets and Liabilities and Certain Statistical Information Filed by JENNIFER SCHULTZ on behalf of Evelyn Rivera. (SCHULTZ, JENNIFER) (Entered: 09/20/2016) |
| 09/21/2016 | ● <u>20</u> | Statement of Intent. Filed by JENNIFER SCHULTZ on behalf of Evelyn Rivera. (SCHULTZ, JENNIFER) (Entered: 09/21/2016) |
| 10/06/2016 | ● | Meeting of Creditors Held and Concluded on: 10/6/2016. (SEITZ, GARY) (Entered: 10/06/2016) |
| 10/07/2016 | ● <u>21</u> | Praecipe to Withdraw <i>Meeting Held and Concluded Notice</i> Filed by GARY F. SEITZ on behalf of GARY F. SEITZ (related document(s)). (SEITZ, GARY) (Entered: 10/07/2016) |
| 10/11/2016 | ● | Meeting of Creditors Held and Concluded on: 10/11/2016. (SEITZ, GARY) (Entered: 10/11/2016) |
| 10/11/2016 | ● | Chapter 7 Trustee's Report of No Distribution: having been appointed trustee of the estate of the above-named debtor(s), report that I have neither received any property nor paid any money on account of this estate; that I have made a diligent inquiry into the financial affairs of the debtor(s) and the location of the property belonging to the estate; and that there is no |

| | | |
|------------|------|---|
| | | <p>property available for distribution from the estate over and above that exempted by law. Pursuant to Fed R Bank P 5009, I hereby certify that the estate of the above-named debtor(s) has been fully administered. I request that I be discharged from any further duties as trustee. Key information about this case as reported in schedules filed by the debtor(s) or otherwise found in the case record: This case was pending for 1 months. Assets Abandoned (without deducting any secured claims): \$ 195571.00, Assets Exempt: \$ 18900.00, Claims Scheduled: \$ 442147.81, Claims Asserted: Not Applicable, Claims scheduled to be discharged without payment (without deducting the value of collateral or debts excepted from discharge): \$ 442147.81. Filed by GARY F. SEITZ. (SEITZ, GARY) (Entered: 10/11/2016)</p> |
| 12/01/2016 | ● 5 | Disposition of Adversary 2:16-ap-301 dismissed (related document(s) <u>5</u> , <u>1</u>). (D., Stacey) (Entered: 12/01/2016) |
| 12/05/2016 | ● 22 | Debtor Education Financial Management Course Certificate Filed for Debtor. Filed by JENNIFER SCHULTZ on behalf of Evelyn Rivera. (SCHULTZ, JENNIFER) (Entered: 12/05/2016) |
| 12/06/2016 | ● 23 | Motion to Avoid Lien with John Lynch Filed by Evelyn Rivera Represented by JENNIFER SCHULTZ (Counsel). (Attachments: # <u>1</u> Proposed Order # <u>2</u> Service List # <u>3</u> Exhibit Ex A # <u>4</u> Exhibit Ex B # <u>5</u> Exhibit Ex C) (SCHULTZ, JENNIFER) (Entered: 12/06/2016) |
| 12/06/2016 | ● 24 | Notice of (related document(s): <u>23</u> Motion to Avoid Lien with John Lynch) Filed by Evelyn Rivera. Hearing scheduled 1/4/2017 at 11:00 AM at nix5 - Courtroom #5. (SCHULTZ, JENNIFER) (Entered: 12/06/2016) |
| 12/06/2016 | ● 25 | Certificate of Service Filed by JENNIFER SCHULTZ on behalf of Evelyn Rivera (related document(s) <u>24</u> , <u>23</u>). (SCHULTZ, JENNIFER) (Entered: 12/06/2016) |
| 12/14/2016 | ● 26 | Order Granting Application to Have the Chapter 7 Filing Fee Waived, To Proceed in forma pauperis (Related Doc # <u>4</u>) (D., Stacey) (Entered: 12/14/2016) |
| 12/16/2016 | ● 27 | BNC Certificate of Mailing - PDF Document. (related document(s) (Related Doc # <u>26</u>)). No. of Notices: 1. Notice Date 12/16/2016. (Admin.) (Entered: 12/17/2016) |

| | | |
|------------|-------------|--|
| 12/20/2016 | ● <u>28</u> | (Letter) Response to Motion to Avoid Lien filed by Debtor Evelyn Rivera Filed by John Lynch (related document(s) <u>23</u>). (D., Stacey) (Entered: 12/20/2016) |
| 12/30/2016 | ● <u>29</u> | Proposed Order Re: Filed by JENNIFER SCHULTZ on behalf of Evelyn Rivera (related document(s) <u>23</u>). (SCHULTZ, JENNIFER) (Entered: 12/30/2016) |
| 01/04/2017 | ● <u>30</u> | Hearing Held on <u>23</u> Motion to Avoid Lien with John Lynch Filed by Evelyn Rivera Represented by JENNIFER SCHULTZ (Counsel). (Attachments: # 1 Proposed Order # 2 Service List # 3 Exhibit Ex A # 4 Exhibit Ex B # 5 Exhibit Ex C) filed by Debtor Evelyn Rivera (related document(s), <u>23</u>). Order entered. (D., Stacey) (Entered: 01/04/2017) |
| 01/04/2017 | ● <u>31</u> | Order Granting Motion To Avoid Lien with John Lynch. (Related Doc # <u>23</u>) (D., Stacey) (Entered: 01/05/2017) |
| 01/07/2017 | ● <u>32</u> | BNC Certificate of Mailing - PDF Document. (related document(s) (Related Doc # <u>31</u>)). No. of Notices: 1. Notice Date 01/07/2017. (Admin.) (Entered: 01/08/2017) |
| 01/13/2017 | ● <u>33</u> | BNC Certificate of Mailing - PDF Document. (related document(s) (Related Doc # <u>31</u>)). No. of Notices: 3. Notice Date 01/13/2017. (Admin.) (Entered: 01/14/2017) |
| 01/25/2017 | ● <u>34</u> | Notice of Appeal to District Court. . Receipt Number 0, Fee Amount \$0 Filed by John Lynch (related document(s) <u>31</u>). Appellant Designation due by 2/8/2017. Transmission of record on appeal to District Court Due Date:2/22/2017. CC: Judge Chan, District Court, U.S. Trustee, Jennifer Schultz, Gary Seitz, John J. Lynch (1-26-17)(D., Stacey) . (Entered: 01/26/2017) |
| 01/25/2017 | ● <u>36</u> | Petition to Proceed In Forma Pauperis on Notice of Appeal Filed by John Lynch . (D., Stacey) (Entered: 01/26/2017) |
| 01/25/2017 | ● <u>37</u> | Motion/Petition to Consolidate for Appeal Filed by John Lynch Represented by Self(Counsel). (D., Stacey) (Entered: 01/26/2017) |
| 01/26/2017 | ● <u>35</u> | Courts Certificate of mailing : CC; Judge Chan, U.S. District Court, U.S. Trustee, Jennifer Schultz, Gary Seitz, John J. Lynch (1-26-17) (related document(s) <u>34</u>). (D., Stacey) (Entered: 01/26/2017) |

TRUE COPY CERTIFIED
TO FROM THE RECORD
DATED: 1-27-17
ATTEST: *John Lynch*